

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LEONARD McBROOM,

Petitioner,

vs.

WARDEN, PICKAWAY CORRECTIONAL
INSTITUTION,

Respondent.

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Case No. 3:05cv018

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING INITIAL (DOC. #9) AND
SUPPLEMENTAL (DOC. #11) REPORTS AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE; PETITIONER'S OBJECTIONS TO
SAID JUDICIAL FILINGS (DOCS. #10 AND #12) OVERRULED; JUDGMENT
ENTERED IN FAVOR OF RESPONDENT AND AGAINST PETITIONER,
DISMISSING PETITION FOR WRIT OF HABEAS CORPUS BECAUSE SAME
WAS UNTIMELY FILED; CERTIFICATE OF APPEALABILITY AND
ANTICIPATED REQUEST FOR LEAVE TO APPEAL *IN FORMA PAUPERIS*
DENIED; TERMINATION ENTRY

Based upon the reasoning and citations of authority set forth by the United
States Magistrate Judge in his Initial (Doc. #9) and Supplemental (Doc. #11)
Reports and Recommendations, as well as upon a thorough *de novo* review of this
Court's file and the applicable law, said Reports and Recommendations are adopted
in their entirety. The Petitioner's Objections to said judicial filings (Docs. #10 and
#12) are overruled. Judgment will be ordered entered in favor of the Respondent

and against Plaintiff, dismissing the Petitioner's Petition for Writ of Habeas Corpus, as barred by the statute of limitations.

Given that reasonable jurists would not disagree with the reasoning adopted herein, and, further, given that the Petitioner has failed to demonstrate the denial of a constitutional right, this Court denies Petitioner a Certificate of Appealability and an anticipated permission for leave to appeal *in forma pauperis*.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

March 8, 2006

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies mailed to:

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